

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CASE NO. 5:20-CV-165-KDB-DCK**

A.G., individually and as guardian of minor L.G.,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
THE CITY OF STATESVILLE, MICHAEL FATTALEH, WILLIAM MANNERS, IREDELL-STATESVILLE BOARD OF EDUCATION, and COLLEEN GUERIN, a/k/a COLLEEN FLOOD,)	
)	
Defendants.)	
)	

THIS MATTER IS BEFORE THE COURT on “Defendant Michael Fattaleh’s Consent Motion For Leave To File Exhibit Under Seal” (Document No. 70) filed May 2, 2022. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will grant the motion.

A party who seeks to seal any pleading must comply with the Local Rules of this Court. Local Civil Rule (“LCvR”) 6.1 provides in relevant part as follows:

LCvR. 6.1 SEALED FILINGS AND PUBLIC ACCESS.

(a) *Scope of Rule.* To further openness in civil case proceedings, there is a presumption under applicable common law and the First Amendment that materials filed in this Court will be filed unsealed. This Rule governs any party’s request to seal, or otherwise restrict public access to, any materials filed with the Court or used in connection with judicial decision-making. As used in this Rule, “materials” includes pleadings and documents of any nature and in any medium or format.

(b) *Filing under Seal.* No materials may be filed under seal

except by Court order, pursuant to a statute, or in accordance with a previously entered Rule 26(e) protective order.

(c) *Motion to Seal or Otherwise Restrict Public Access.* A party's request to file materials under seal must be made by formal motion, separate from the motion or other pleading sought to be sealed, pursuant to LCvR 7.1. Such motion must be filed electronically under the designation "Motion to Seal." The motion must set forth:

- (1)** A non-confidential description of the material sought to be sealed;
- (2)** A statement indicating why sealing is necessary and why there are no alternatives to filing under seal;
- (3)** Unless permanent sealing is sought, a statement indicating how long the party seeks to have the material maintained under seal and how the matter is to be handled upon unsealing; and
- (4)** Supporting statutes, case law, or other authority.

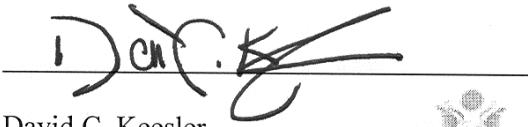
Local Rule 6.1. It appears that the requirements of Local Rule 6.1(c)(1) through (4) have been adequately met.

By the instant motion, Defendant Fattaleh seeks to file Exhibits B1 and B2, which is video evidence that depicts "the interaction between minor L.G., and the Defendant which is made confidential by Fed. R. Civ. P. 5.2." (Document No. 71, p. 1). Defendant asserts that the video will reveal the identity of the minor and there is no practical way it can be redacted, and therefore, it must be sealed. (Document No. 71, p. 2).

Having considered the factors provided in Local Rule 6.1(c), the Court will grant the motion to seal. Noting that the time for public response has not run to this motion, the Court will consider any objection to this Order from non-parties as an objection to the motion, requiring no additional burden for any non-party under the Federal Rules of Civil Procedure. See Local Rule 6.1(e).

IT IS, THEREFORE, ORDERED that Defendant Michael Fattaleh's Consent Motion For Leave To File Exhibit Under Seal" (Document No. 70) is **GRANTED**. Exhibits B1 and B2 may be filed under **SEAL** and shall remain **SEALED** until otherwise ordered by this Court.

Signed: May 3, 2022



David C. Keesler
United States Magistrate Judge 